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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FIELDS, BENJAMIN S

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/784,968	Applicant(s) COLMAN ET AL.	
	Examiner BENJAMIN S. FIELDS	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-25,27-47,49-69,71-88 and 93-97 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-25,27-47,49-69,71-88 and 93-97 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. A **request for continued examination** under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), **was filed** in this application **after final rejection**. Since this application is **eligible** for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the **finality** of the previous Office action has been **withdrawn** pursuant to 37 CFR 1.114. Applicant's submission filed on 9 September 2008 has been entered.

2. The following is a **NON-FINAL** Office Action in response to the communication received on 9 September 2008. Claims 1-3, 5-25, 27-47, 49-69, 71-88, and 93-97 are now pending in this application.

Response to Amendments

3. Applicants Amendments to Claims 1-96 has been acknowledged in that: **Claims 1, 5-6, 23, 27-28, 45, 49-50, 67, 71-72, and 93-96 have been amended; Claims 4, 26, 48, and 70 have been canceled; Claim 97 has been newly added;** hence, as such, **Claims 1-3, 5-25, 27-47, 49-69, 71-88, and 93-97 are pending in this application.**

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-25, 27-47, 49-69, 71-88, and 93-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney et al. (US Pat. No. 7,287,008), [hereinafter Mahoney].

Referring to Claim 1: Mahoney discloses a method for real estate loan administration comprising the steps of: registering with a system for real estate loan administration wherein at least one loan is identified (Mahoney: Figures 1-2; Column 2, Lines 15-65); identifying one or more participants associated with the at least one loan to join the system for real estate loan administration (Mahoney: Abstract; Figure 12; Column 1, Line 63-Column 3 Line 15); assigning one or more of privileges and roles to each of the one or more participants (Mahoney: Figures 11-12); managing the at least one loan via the system through an online interface wherein data associated with the at least one loan may be accessed and viewed according to user input (Mahoney: Figures 1-2; Column 2, Lines 25-58; Column 3, Lines 5-15; Column 5, Line 13-Column 6, Line 21); and performing one or more actions concerning the at least one loan wherein the one or more actions submitting information to a receiving entity (Mahoney: Column 5, Line 53-Column 6, Line 21; Column 11, Line 35-Column 12, Line 18).

Mahoney, however, does not expressly discuss a method wherein the one or more actions comprise at least submitting one or more draw requests.

The Examiner takes Official Notice to the fact that within a method and system as taught by Mahoney for loan organization and underwriting, it would be obvious to include an option to facilitate draw requests.

At the time of invention it would have been obvious to one of ordinary skill in the art to modify the system and method of Mahoney for loan organization and underwriting to allow the one or more actions to comprise at least submitting one or more draw requests for the purposes of providing users varied methods of choices and financial models (Mahoney: Column 1, Line 63-Column 2, Line 11).

Referring to Claim 2: Mahoney teaches a method wherein the step of managing further comprises the step of: accessing loan data specific for the at least one loan wherein loan data comprises one or more of insurance data, interest data and budget summary data (Mahoney: Column 2, Line 59-Column 3, Line 4; Column 8, Lines 55-64).

Referring to Claim 3: Mahoney discusses a method wherein the step of managing further comprises the step of: accessing collateral data associated with the at least one loan (Mahoney: Column 4, Line 65-Column 5, Line 12).

Referring to Claim 5: Mahoney discusses the limitations of Claim 1.

Mahoney, however, does not expressly teach a method wherein the one or more draw requests comprises line item draw requests.

The Examiner once again, takes Official Notice to the fact that within a method and system as taught by Mahoney for loan organization and underwriting, it would be obvious to include an option to facilitate draw requests by line item.

Referring to Claim 6: Mahoney shows the limitations of Claim 1.

Mahoney, however, does not expressly disclose a method wherein the one or more draw requests comprises unit draw requests for one or more of new starts and existing units.

The Examiner takes Official Notice to the fact that within a method and system as taught by Mahoney for loan organization and underwriting, it would be obvious to include an option to facilitate unit draw requests.

Referring to Claim 7: Claim 7 parallels the limitations of Claim 2. As such, Claim 7 is rejected under the same basis as is Claim 2 as mentioned supra.

Referring to Claim 8: Mahoney discusses a method further comprising the step of: requesting one or more reports to be generated for the at least one loan based on one or more user defined specifics (Mahoney: Column 5, Lines 13-47; Column 12, Line 58-Column 13, Line 8).

Referring to Claim 9: Mahoney shows a method wherein the step of performing one or more actions comprises the step of: adding collateral data for at least one new collateral associated with the loan (Mahoney: Column 8, Lines 55-64).

Referring to Claims 10-13: Claims 10-13 reflect the limitations of Claim 3. As such, Claims 10-13 are rejected under the same basis as is Claim 3 as mentioned supra.

Referring to Claim 14: Mahoney discusses a method further comprising the step of: updating data associated with the at least one loan; and importing the updated data to a receiving entity (Mahoney: Column 5, Line 53-Column 6, Line 21; Column 11, Line 35-Column 12, Line 18).

Referring to Claim 15: Claim 15 parallels the limitations of Claims 3 and 11. As such, Claim 15 is rejected under the same basis as are Claims 3 and 11 as mentioned supra.

Referring to Claim 16: Mahoney shows a method further comprising the step of: updating data associated with the at least one loan; specifying one or more filters to be applied to the updated data; and exporting the filtered updated data from the system for real estate loan administration to a remote device (Mahoney: Column 5, Lines 38-65).

Referring to Claim 17: Claim 17 reflects the limitations of Claim 11. As such, Claim 17 is rejected under the same basis as is Claim 11 as mentioned supra.

Referring to Claim 18: Mahoney teaches the limitations of Claim 1.

Mahoney, however, does not expressly discuss a method wherein the remote device comprises one or more of personal computer, personal digital assistant and wireless device.

The Examiner takes Official Notice to the fact that within a method and system as taught by Mahoney for loan organization and underwriting, it would be obvious to include a method wherein a personal computer, personal digital assistant or a wireless device could be utilized as a remote device therein.

Referring to Claims 19 and 20: Claims 19 and 20 parallel the limitations of Claims 3 and 11. As such, Claims 19 and 20 are rejected under the same basis as are Claims 3 and 11 as mentioned supra.

Referring to Claim 21: Mahoney discusses a method wherein one or more documents may be shared simultaneously with the authorized one or more participants via a common online interface (Mahoney: Figures 1-2; Column 3, Lines 5-15).

Referring to Claim 22: Mahoney discloses a method wherein the receiving entity is a lender entity (Mahoney: Column 10, Lines 44-60).

Referring to Claims 23-25, 27-35, 37-39, and 41-44: Claims 23-25, 27-35, 37-39, and 41-44 are the system for the method of Claims 1-3, 7-13, 15-17, and 19-22. As such, Claims 23-25, 27-35, 37-39, and 41-44 are rejected under the same basis as are Claims 1-3, 7-13, 15-17, and 19-22 as mentioned supra.

Referring to Claims 36, 58, and 60: Claims 36, 58, and 60 reflect the limitations of Claim 14. Hence, Claims 36, 58, and 60 are rejected under the same basis as is Claim 14 as mentioned supra.

Referring to Claims 40, 62, and 84: Claims 40, 62, and 84 parallel the limitations of Claim 18. Hence, Claims 40, 62, and 84 are rejected under the same basis as is Claim 18 as mentioned supra.

Referring to Claims 45-47, 49-57, 59-61, and 63-66: Claims 45-47, 49-57, 59-61, and 63-66 teach methods which parallel the limitations of Claims 1-3, 7-13, 15-17, 19-25, 29-35, 37-39, and 41-44. As such, Claims 45-47, 49-57, 59-61, and 63-66 are rejected under the same basis as are Claims 1-3, 7-13, 15-17, 19-25, 29-35, 37-39, and 41-44 as mentioned supra.

Referring to Claims 67-69, 71-79, 81-83, and 85-88: Claims 67-69, 71-79, 81-83, and 85-88 are the system for the method of Claims 45-47, 51-57, 59-61, and 63-66. As such, Claims 67-69, 71-79, 81-83, and 85-88 are rejected under the same basis as are Claims 45-47, 51-57, 59-61, and 63-66 as mentioned supra.

Referring to Claims 93-97: Claims 93-97 are directed towards an article of manufacture, a computer readable medium, and a computer implemented system for

the execution of the method of Claim 1. As such, Claims 93-97 are rejected under the same basis as is Claim 1 as mentioned supra.

Response to Arguments

6. Applicants arguments filed 9 September 2008 have been fully considered but have been found to be **moot** and **non-persuasive**. Applicant argues:

Argument A

Rejections of Claims 1-3, 7-17, 19-25, 29-35, 37-39, 41-47, 51-57, 59-61, 63-39, 73-79, 81-83, 85-89, and 93-96 Under 35 U.S.C. § 102(e)

Regarding independent claim 1, Mahoney does not disclose "assigning one or more of privileges and roles to each of the one or more participants" as recited by the claimed invention. The Office Action on page 3 alleges that Figures 11 and 12 of Mahoney disclose this element. Applicants respectfully disagree. Figure 11 depicts "an example of a deal analysis screen." Col.11, line 16. Figure 12 depicts "an example suite of loan application screens." Col. 11, lines 36-37. Neither Figure depicts *assigning privileges and roles* to each of the participants. Indeed, these Figures merely disclose information screens regarding the deal and loan. The terms *privileges and roles* are not found on these Figures. Therefore, Mahoney fails to anticipate this element of the claimed invention. Independent claims 23, 45, 67, and 93-96 also recite this element. Therefore, Mahoney fails to anticipate these claims also. Further, claims 2, 3, 7-17, 19-22, 24-25, 29-35, 37-39, 41-44, 51-57, 59-61, 63-66, 69, 73-79, 81-83, 85-88 are dependent upon one of independent claims 1, 23, 45, and 67. Therefore, since claims 1, 23, 45, and 67 are allowable over Mahoney as discussed above, claims 2, 3, 7-17, 19-22, 24-25, 29-35, 37-39, 41-44, 51-57, 59-61, 63-66, 69, 73-79, 81-83, 85-88 are allowable by virtue of their dependency upon one of independent claims 1, 23, 45, and 67.

Regarding Argument A

The Examiner respectfully disagrees. Mahoney does disclose “assigning one or more of privileges and roles to each of the one or more participants” as recited by the claimed invention. Figures 11 and 12 of Mahoney disclose this element, where Figure 11 depicts “a deal analysis screen” and Figure 12 depicts “a suite of loan application screens”. It is obvious for the *assignment of privileges and roles* to each of the participants involved in a transaction taught, let alone that within the disclosure of Mahoney. Indeed, these Figures disclose information screens regarding the deal and loan, and, while the express term “*privilege*” and/or “*role*” may not be found on these Figures, the drawings show, to one of ordinary skill in the art that the parties involved share some *assignment of privileges and roles*.

Argument B

Rejections of Claims 4-6, 14, 18, 26-28, 36, 40, 48-50, 58, 62, 70-72, 80, and 84 under 35 U.S.C. § 103(a)

On pages 6-9 of the Office Action, claims 4-6, 18, 26-28, 36, 40, 48-50, 58, 62, 70-72, 80, and 84 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mahoney. Applicant respectfully traverses this rejection. It is respectfully submitted that the aforementioned obviousness rejection of claims 4-6, 18, 26-28, 36, 40, 48-50, 58, 62, 70-72, 80, and 84 has become moot in view of the deficiencies of the primary reference (i.e., Mahoney) as discussed above with respect to independent claims 1, 23, 45, and 67. That is, claims 4-6, 18, 26-28, 36, 40, 48-50, 58, 62, 70-72, 80, and 84 are dependent upon independent claims 1, 23, 45, and 67 and thus inherently incorporate all of the limitations of independent claims 1, 23, 45, and 67. Also, the secondary reference (i.e., Official Notice) fails to disclose, or even suggest, the deficiencies of the

primary reference as discussed above with respect to independent claims 1, 23, 45, and 67. Thus, the combination of the secondary reference with the primary reference also fails to disclose, or even suggest, the deficiencies of the primary reference as discussed above with respect to independent claims 1, 23, 45, and 67. Accordingly, claims 4-6, 18, 26-28, 36, 40, 48-50, 58, 62, 70-72, 80, and 84 are allowable over the combination of the secondary reference with the primary reference at least by virtue of their dependency on independent claims 1, 23, 45, and 67. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references. Further, claims 4, 26, 48, and 70 have been cancelled, rendering the rejection thereof moot. Additionally, Applicant respectfully traverses the reliance on Official Notice. Applicant asserts that the Examiner's reliance on Official Notice is not common knowledge or well known in the art. For example, Applicants submit that it is not common knowledge that "within a method and system as taught by Mahoney for loan organization and underwriting, it would be obvious to include an option to facilitate draw requests" as alleged by the Examiner for claim 4. The Examiner makes similar arguments for claims 5 and 6, and for the remaining claims reciting the same elements. First, Applicant notes that Mahoney relates generally to loan *origination* not *organization*. See, e.g., Mahoney, col. 1, lines 7-8. As such, the use of draw requests would not be obvious. Draw requests are typically not part of the origination and underwriting process, but occur after the loan is in place and is being administered. Indeed, the incorporation of such a modification to Mahoney would require potentially extensive changes to the invention as disclosed by Mahoney and would render Mahoney unsatisfactory for its intended purpose, in violation of basic obviousness principles. Therefore, in accordance with MPEP §2144.03(C), the Examiner is requested to provide documentary evidence supporting the allegation of Official Notice in this Office Action.

Regarding Argument B

The Examiner respectfully disagrees. While Mahoney may relate generally to loan *origination*, the *organization* of loan origination and loan organization is disclosed within. While draw requests may not be a typical part of the origination and underwriting process, they would be obvious to include for various intended uses or purposes.

7. **Regarding Official Notice**: Applicants attempt at traversing the Official Notice findings in the previous Final Office Action mail date 25 June 2008 is inadequate (note also that such Official Notice had been taken in the first Non-Final Office Action mail date 14 January 2008 and was not traversed at all). Adequate traversal is a two step process. First, Applicant must state their traversal on the record. Second and in accordance with 37 C.F.R. §1.111(b) which requires Applicant to ***specifically*** point out the supposed errors in the Office Action, Applicant must state *why* the Official Notice statement(s) are not to be considered common knowledge or well known in the art.

From the Manual of Patent Examining Procedure(MPEP): To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art [See 37 CFR 1.111(b); See also Chevenard, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention.")]. **A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate.** If applicant *adequately* traverses the examiner's assertion of

official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained [See 37 CFR 1.104(c)(2); See also Zurko, 258 F.3d at 1386, 59 USPQ2d at 1697 (“[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings” to satisfy the substantial evidence test)]. **If applicant does not traverse the examiner’s assertion of official notice or applicant’s traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner’s assertion of official notice or that the traverse was inadequate.** If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate.

8. The Examiner notes that the steps of the instant application which have been official noticed are considered to be common knowledge or well-known in the art. **At a bare minimum, the applicant should, beyond pointing out that he believes the official noticing to be of error, state why these/this noticed fact(s) is/are not considered to be common knowledge or well-known in the art.** As this has not been successfully contemplated, **the examiner is clearly indicating in this Office Action that the common knowledge or well-known features in the art that have been Official Noticed in the prior Office Action are hereby taken to be admitted prior art because applicant failed to provide an adequate traversal of such material.** See MPEP §2144.03.

9. Furthermore, any additional arguments filed 9 September 2008 have been fully considered but have been found to be **moot** and **non-persuasive** in view of the new grounds of rejection.

Examiner Note

10. **The Examiner has pointed out particular reference(s) contained in the prior art of** record within the body of this action for convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. **Applicant**, in preparing the response, should **fully consider the entire reference** as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

11. Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached MONDAY THRU FRI between the hours of 9AM and 7PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields

/Frantzy Poinvil/

Primary Examiner, Art Unit 3692

12 September 2008